

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ye Fang, et al	Confirmation No.: 1181
Serial No:	10/602242	Examiner: Nelson C. Yang
Filed:	June 24, 2003	Group Art Unit: 1641
For:	TOXIN DETECTION AND COMPOUND SCREENING USING BIOLOGICAL MEMBRANE MICROARRAYS	

TERMINAL DISCLAIMER

PURSUANT TO 35 U.S.C. § 154 AND 173

Mail Stop AF
Commissioner for Patents
P.O . Box 1450
Alexandria, VA 22313-1450

Sir:

I, John L. Haack, an attorney/agent of record for the above-captioned application, hereby declare that:

To the best of my knowledge and belief, Corning Incorporated, duly organized under the laws of the State of New York and having its principal place of business at 1 Riverfront Plaza, Corning, New York 14831, is the only assignee of the entire right, title and interest in and to the above-captioned application, Serial No. 10/602242, filed June 24, 2003, for TOXIN DETECTION AND COMPOUND SCREENING USING BIOLOGICAL MEMBRANE MICROARRAYS, in the name of Corning Incorporated, as indicated by assignment(s) duly recorded in the United States Patent and Trademark Office at Reel No. 014229, Frame Nos. 0385 and is and at all times was the only assignee of second application, Serial No. 09/974,415, filed October 9, 2001, for ARRAYS OF BIOLOGICAL MEMBRANES AND METHODS AND USE THEREOF in the name of CORNING INCORPORATED, as indicated by assignment(s) duly recorded in the U.S. Patent and Trademark Office at Reel No. 012507, Frame No. 0149. I further represent that I have reviewed the evidentiary

documents establishing the assignments and certify, that to the best of my knowledge and belief, title to the above-identified second application is in Corning Incorporated.

To obviate a double patenting rejection, Petitioner, Corning Incorporated, hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-captioned application, Serial No. 10/602242, which would extend beyond the expiration date of the full statutory term, including any extensions of the original term, including those defined in 35 U.S.C. §154 to §156 and §173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second application, Serial No. 09/974,415, filed on October 9, 2001. As used herein, the term "extension" includes the increase in the seventeen year term of patents under the Uruguay Round Agreement Act, as well as other extensions granted in the future. Petitioner hereby further agrees that any patent granted on the above-captioned application or any patent of the above-captioned application subject to a re-examination proceeding shall be enforceable only for and during such period that said patent is commonly owned with the application (or resultant patent) which formed the basis for the judicially created double patenting, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any part of any patent granted on the above-captioned application Serial No.10/602242, prior to the end of the full statutory term of a patent granted on the second application, Serial No. 09/974,415, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that the later patent expires prior to its full statutory term by reason of, for example, failure to pay a maintenance fee, a holding of unenforceability, a holding of invalidity, the filing of a statutory disclaimer in whole or in part under 35 U.S.C. § 154 and 173 and 37 C.F.R. § 1.321(a), or cancellation of all claims by a reexamination certificate.

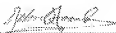
In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$140.00 is authorized by Corning Incorporated to be charged as well as any additional fees due in connection with the filing of this response to our Deposit Account No. 03-3325. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

The undersigned is authorized to act on behalf of assignee Corning Incorporated.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: April 19, 2010

By:




John L. Haack
Registration No. 36,154
Corning Incorporated
Intellectual Property Department
Mail Stop SP-TI-3-1
Corning, NY 14831
(607) 974-3673

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this paper and/or fee or charge authorization is being transmitted to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 19, 2010, via:

- ☐ Express Mail Post Office to Addressee service of the United States Postal Service under 37 CFR §1.10 (Express Mail Label No. _____),
☐ depositing with the United States Postal Service with sufficient postage as first class mail under 37 CFR §1.8,
☐ Facsimile Transmission under 37 CFR §1.6(d) (Facsimile No. _____),
☒ the Electronic Filing System of the U.S. Patent and Trademark Office under 37 CFR §1.6(a)(4).

Signature


Susan M. Kane